

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: 650 FIFTH AVENUE AND  
RELATED PROPERTIES

08 Civ. 10934 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

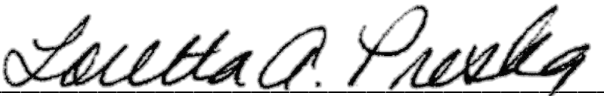
Before the Court is the Levins' motion (dkt. no. 2210) to reconsider the order dated March 6, 2020 (dkt. no. 2202) granting the Judgment Creditors' motion to withdraw the order of consolidation. The motion is DENIED.

Local Civil Rule 6.3 requires the movant to identify "the matters or controlling decisions which counsel believes the Court has overlooked." Reconsideration is not a vehicle to "reargue . . . issues already considered" just because the movant does "not like the way the original motion was resolved." In re Bear Stearns Cos., Inc. Sec. Derivative and ERISA Litig., 08 M.D.L. No. 1963, 2009 WL 2168767, at \*1 (S.D.N.Y. Jul. 16, 2009). Here, the Levins have done just that; they have recycled the same arguments they made in the original motion. Because the Levins have failed to identify any facts or law that the Court has overlooked, the motion to reconsider (dkt. no. 2210) is denied.

The Levins' motion to certify the issue for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) is also denied. Given that the decision to grant or deny consolidation is within the discretion of the Court, the Levins cannot demonstrate a substantial ground for a difference of opinion. And, in any event, it would be a travesty to make the Judgment Creditors, who have been diligent in litigating these complex issues, await resolution of an appeal with virtually no chance of success before proceeding. Accordingly, the request for certification pursuant to 28 U.S.C. Section 1292(b) is denied.

**SO ORDERED.**

Dated: New York, New York  
April 13, 2020

  
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LORETTA A. PRESKA  
Senior United States District Judge